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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,103	03/21/2002	Mathew Sommers	GLO 2 0095	3460

27885 7590 01/21/2003

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EXAMINER

PERKEY, WILLIAM B

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,103

Applicant(s)

SOMMERS, MATHEW

Examiner

William B. Perkey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claim 20 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Japanese Document 2000-235245).

See Fig. 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami (US 2002/0025157 A1) in view of Official Notice and/or acknowledged prior art.

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The embodiment of Fig. 9 described at paragraphs 0090-0096 shows the claimed invention except for a cover lens over the opening of the housing for the white LED of claim 1 and the reflector of claim 18. In addition, several of the dependent claims specify features not shown by Kawakami. Applicant within the body of his disclosure acknowledges that many of these features were known at the time of applicants invention for conventional photographic flash apparatus. The examiner further takes Official Notice that these additional features were known at the time of applicants invention (see MPEP 2144.02). To provide the flash apparatus of Kawakami with conventional flash photographic features such as cover lenses, reflectors, fresnel lenses, etc. would have been obvious to one of ordinary skill in the art in order to physically carry out the construction of s single white LED flash unit as contemplated by the figure 9 embodiment of this reference. Since LEDs were notoriously well known to be highly directional at the time of applicants invention, it would have been clearly apparent that for this embodiment of the reference, a reflector would not absolutely be necessary but would be optional.

5. Claims 1-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Document No. 2000-235245 in view of Kawakami (U.S. Patent Document No. 2002/0025157 A1) and Rapa et al. (U.S Patent No. 6,002,424).

Fig. 1 of the Japanese Document shows a camera having a red, green and blue LED in the flash unit of a camera for illuminating the subject for photography. Fig. 9 of Kawakami teaches providing a photographic flash unit with only a single white LED for illuminating the subject, instead of the three LED system of red, green and blue of the first embodiment. Rapa et al.

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discloses a video camera system using a plurality of white LEDs for illumination or using a system of red, green blue LEDs, instead. It would have been obvious to one of ordinary skill in the art at the time of applicants invention to substitute a single white LED or a plurality of white LEDs for the red, green and blue LED system in Fig. 1 of the Japanese Document, since the prior art teaches that either type may be used for photographic flash purposes. Other features of applicants dependent claims which may not be shown by the Japanese document have been acknowledged by the applicant within his disclosure to be known within the flash photography prior art, or Official Notice (MPEP 2144.03) is taken that such features were known, and as such cannot serve as the patentably distinguishing limitation within the claims.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (703) 308-1708. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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A handwritten signature in black ink, appearing to read "W B Perkey", with a long, sweeping horizontal stroke extending to the right.

William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp
January 16, 2003